

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATE OF AMERICA

v.

ANDREW SINCLAIR / B4B EARTH TEA
LLC / B4B CORP

§

Case No. 22-CV-1159

§

FIRST SET OF REQUESTS FOR ADMISSION #2

Request No 1: Admit that you founded B4B Earth Tea LLC.

Response No 1: Admit

Request No 2: Admit that you founded B4B Corp.

Response No 2: Admit. With the meaning of Founder

Request No 3: Admit that you have directly participated in and controlled the activities of B4B Earth Tea LLC for the entire time that it has existed.

Response No 3: Admit

Request No 4: Admit that you have directly participated in and controlled the activities of B4B Corp. for the entire time that it has existed.

Response No 4: Admit

Request No 5: Admit that you have directly participated in and controlled the marketing, advertisement, sale, and billing relating to B4B Earth Tea for the entire time that it has been marketed, advertised, and sold.

Response No 5: Admit I am the owner of B4B Earth Tea LLC

Request No 6: Admit that you have directly participated in and controlled the content that the website www.b4bearthtea.com has displayed since March 2020.

Response No 6: Admit

Request No 7: Admit that you have directly participated in and controlled the content that the website www.b4bearthteallc.com has displayed since March 2020.

Response No 7: Admit

Request No 8: Admit that you have directly participated in and controlled the content that the Website www.b4bcorp.com has displayed since March 2020.

Response No 8: Admit

Request No 9: Admit that, on or about February 18, 2021, you received the warning letter from the Federal Trade Commission (“FTC”) and the Food and Drug Administration (“FDA”) that is attached as Exhibit 1.

Response No 9: Admit

Request No 10: Admit that, on September 29, 2021, you received the email from the FTC attached as Exhibit 2.

Response No 10: Admit

Request No 11: Admit that, to your knowledge, a New Drug Application (“NDA”) has never been submitted to FDA for B4B Earth Tea.

Response No 11: Need more Information. Natural supplement is not required to submit NDA applications

Request No 12: Admit that, to your knowledge, an Abbreviated New Drug Application (“ANDA”) has never been

Response No 12: Need more Information. Natural supplement is not required to submit NDA applications;

Request No 13: Admit that, to your knowledge, an Investigational New Drug Application (“IND”) has never been submitted to FDA for B4B Earth Tea.

Response No 13: Need more Information. Natural supplement is not required to submit IND applications;

Request No 14: Admit that B4B Earth Tea has never been approved by the FDA for use in the treatment or prevention of COVID-19.

Response No 14: Need more Information. Natural supplement do not require FDA Approval.

Request No 15: Admit that B4B Earth Tea has never been approved by the FDA for use in the treatment or prevention of any disease.

Response No 15: Need more Information. Natural supplement do not require FDA Approval.

Request No 16: Admit that you shipped B4B Earth Tea from New York to at least one state other than New York.

Response No 16: Admit. Natural Supplement is not illegal

Request No 17: Admit that you shipped B4B from New York to at least one foreign nation.

Response No 17: Admit. Natural Supplement is not illegal

Request No 18: Admit that, to your knowledge, a 2021 clinical trial in India relating to B4B Earth Tea is the only clinical trial that has ever been conducted on B4B Earth Tea.

Response No 18: Admit No more Covid19 study was needed

Request No 19: Admit that the document attached as Exhibit 3 is the only scientific publication of the 2021 clinical trial in India relating to B4B Earth Tea.

Response No 19: Admit No more Covid19 study was needed

Request No 20: Admit that you advertised B4B Earth Tea as an effective treatment against COVID-19.

Response No 20: Deny. Promo is Immune support is effective against Covid19

Request No 21: Admit that you advertised B4B Earth Tea as the most effective treatment against COVID-19.

Response No 21: Deny. Immune support as the most effective thing against Covid19

Request No 22: Admit that you advertised B4B Earth Tea as a more effective treatment for COVID-19 than vaccines.

Response No 22: Deny. Immune support is more effective than covid19 Vaccines

Request No 23: Admit that you advertised B4B Earth Tea as a treatment for conditions and diseases other than COVID-19.

Response No 23: Deny. Successful immune support can help with various issues

Request No 24: Admit that the document attached as Exhibit 4 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about August 4, 2020 in the course of your marketing of B4B Earth Tea.

Response No 24: Object. Disagree with this exhibit been used as admission this was included in a warning and the warning was resolved.

Request No 25: Admit that the document attached as Exhibit 5 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about October 9, 2020 in the course of your marketing of B4B Earth Tea.

Response No 25: Object. Disagree with this exhibit been used as admission this was included in a warning and the warning was resolved.

Request No 26: Admit that the document attached as Exhibit 6 at Bates number USA-B4B00000247 is a true and correct copy of a representation that you made or caused to be made on Facebook on or about September 15, 2020 in the course of your marketing of B4B Earth Tea.

Response No 26: Object. Disagree with this exhibit been used as admission this was included in a warning and the warning was resolved.

Request No 27: Admit that the document attached as Exhibit 7 at Bates number USA- B4B00000340 through USA-B4B00000344 is a true and correct copy of a representation that you made or caused to be made on YouTube on or about February 8, 2021 in the course of your marketing of B4B Earth Tea.

Response No 27: Admit to video. Deny “Marketing” Video is sharing updates.

Request No 28: Admit that the document attached as Exhibit 8 is a true and correct copy of a representation that you made or caused to be made on TikTok on or about August 28, 2021 in the course of your marketing of B4B Earth Tea.

Response No 28: Need more Information. Date of post not provided about August 28, 2021 is not specific.

Request No 29: Admit that the document attached as Exhibit 9 is a true and correct copy of a representation that you made or caused to be made on Facebook on or about September 3, 2021 in the course of your marketing of B4B Earth Tea.

Response No 29: Need more Information. Date of post not provided about September 8, is not specific

Request No 30: Admit that the document attached as Exhibit 10 is a true and correct copy of a representation that you made or caused to be made on the b4bearhteallc.com website in or about Fall 2021 in the course of your marketing of B4B Earth Tea.

Response No 30: Admit

Request No 31: Admit that the document attached as Exhibit 11 is a true and correct copy of a representation that you made or caused to be made on Facebook on or about July 13, 2021 in the course of your marketing of B4B Earth Tea.

Response No 31: Admit to Representation. Deny Marketing, post was clinical trial update.

Request No 32: Admit that the document attached as Exhibit 12 is a true and correct copy of a representation that you made or caused to be made on the b4bcorp.com website in or about Fall 2021 in the course of your marketing of B4B Earth Tea.

Response No 32: Admit. Deny Marketing, page is product details

Request No 33: Admit that the document attached as Exhibit 13 is a true and correct copy of a representation that you made or caused to be made on the b4bcorp.com website on or about September 16, 2021 in the course of your marketing of B4B Earth Tea.

Response No 33: Admit. Deny Marketing, page was update

Request No 34: Admit that the document attached as Exhibit 14 is a true and correct copy of a representation that you made or caused to be made on Facebook on or about August 3, 2021 in the course of your marketing of B4B Earth Tea.

Response No 34: Admit. Deny Marketing, post was update

Request No 35: Admit that the document attached as Exhibit 15 is a true and correct copy of a representation that you made or caused to be made on Facebook on or about April 26, 2021 in the course of your marketing of B4B Earth Tea.

Response 35: Admit.

Request No 36: Admit that the document attached as Exhibit 16 is a true and correct copy of a representation that you made or caused to be made on Instagram on or about August 3, 2021 in the course of your marketing of B4B Earth Tea.

Response No 36: Admit

Request No 37: Admit that the document attached as Exhibit 17 is a true and correct copy of a representation that you made or caused to be made on Instagram on or about October 31, 2021 in the course of your marketing of B4B Earth Tea.

Response No 37: Admit. Deny Marketing, post was update

Request No 38: Admit that the document attached as Exhibit 18 is a true and correct copy of a representation that you made or caused to be made on Instagram on or about September 10, 2021 in the course of your marketing of B4B Earth Tea.

Response No 38: Admit. Deny Marketing, post was update

Request No 39: Admit that the document attached as Exhibit 19 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about August 4, 2020 in the course of your marketing of B4B Earth Tea.

Response No 39: Object. Disagree with this exhibit been used as admission this was included in a warning and the warning was resolved. Defendant language changed after the warning letter

Request No 40: Admit that the document attached as Exhibit 20 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about September 1, 2020 in the course of your marketing of B4B Earth Tea.

Response No 40: Object. Disagree with this exhibit been used as admission this was included in a warning and the warning was resolved. Defendant language changed after the warning letter

Request No 41: Admit that the document attached as Exhibit 21 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about August 4, 2020 in the course of your marketing of B4B Earth Tea.

Response No 41: Object. Disagree with this exhibit been used as admission this was included in a warning and the warning was resolved. Defendant language changed after the warning letter

Request No 42: Admit that the document attached as Exhibit 22 is a true and correct copy of a representation that you made or caused to be made on Facebook on or about September 10, 2021 in the course of your marketing of B4B Earth Tea.

Response No 42: Admit. Deny Marketing, post was update

Request No 43: Admit that the document attached as Exhibit 23 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about December 15, 2021 in the course of your marketing of B4B Earth Tea.

Response No 43: Admit. Deny Marketing, post was update

Request No 44: Admit that the document attached as Exhibit 24 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about December 30, 2021 in the course of your marketing of B4B Earth Tea.

Response No 44: Admit

Request No 45: Admit that the document attached as Exhibit 25 is a true and correct copy of a representation that you made or caused to be made on Facebook on or about April 15, 2021 in the course of your marketing of B4B Earth Tea.

Response No 45: Object. Disagree with this exhibit been used as admission this was included in a warning and the warning was resolved. Defendant language changed after the warning letter

Request No 46: Admit that the document attached as Exhibit 26 is a true and correct copy of a representation that you made or caused to be made on Instagram on or about October 8, 2022 in the course of your marketing of B4B Earth Tea.

Response No 46: Admit. Deny Marketing

Request No 47: Admit that the document attached as Exhibit 27 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about November 3, 2020 in the course of your marketing of B4B Earth Tea.

Response No 47: Object. Disagree with this exhibit been used as admission this was included in a warning and the warning was resolved. Defendant language changed after the warning letter

Request No 48: Admit that the document attached as Exhibit 28 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about October 9, 2020 in the course of your marketing of B4B Earth Tea.

Response No 48: Object. Disagree with this exhibit been used as admission this was included in a warning and the warning was resolved. Defendant language changed after the warning letter

Request No 49: Admit that the document attached as Exhibit 29 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about October 29, 2020 in the course of your marketing of B4B Earth Tea.

Response No 49: Object. Disagree with this exhibit been used as admission this was included in a warning and the warning was resolved. Defendant language changed after the warning letter

Request No 50: Admit that the document attached as Exhibit 30 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about November 5, 2020 in the course of your marketing of B4B Earth Tea.

Response No 50: Object. Disagree with this exhibit been used as admission this was included in a warning and the warning was resolved. Defendant language changed after the warning letter

Request No 51: Admit that the document attached as Exhibit 31 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about October 26, 2020 in the course of your marketing of B4B Earth Tea.

Response No 51: Object. Disagree with this exhibit been used as admission this was included in a warning and the warning was resolved. Defendant language changed after the warning letter

Request No 52: Admit that the document attached as Exhibit 32 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about October 29, 2020 in the course of your marketing of B4B Earth Tea.

Response No 52: Object. Disagree with this exhibit been used as admission this was included in a warning and the warning was resolved. Defendant language changed after the warning letter.

Request No 53: Admit that the document attached as Exhibit 33 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about October 18, 2021 in the course of your marketing of B4B Earth Tea.

Response No 53: Admit. Deny Marketing,

Request No 54: Admit that the document attached as Exhibit 34 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about November 15, 2021 in the course of your marketing of B4B Earth Tea.

Response No 54: Admit

Request No 55: Admit that the document attached as Exhibit 35 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about November 21, 2021 in the course of your marketing of B4B Earth Tea.

Response No 55: Admit Deny Marketing that's a personal recommendation

Request No 56: Admit that the document attached as Exhibit 36 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about December 28, 2021 in the course of your marketing of B4B Earth Tea.

Response No 56: Admit Deny Marketing

Request No 57: Admit that the document attached as Exhibit 37 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about December 20, 2021 in the course of your marketing of B4B Earth Tea.

Response No 57: Admit. Deny Marketing

Request No 58: Admit that the document attached as Exhibit 38 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about December 23, 2021 in the course of your marketing of B4B Earth Tea.

Response No 58: Admit. Deny Marketing

Request No 59: Admit that the document attached as Exhibit 39 is a true and correct copy of a representation that you made or caused to be made on Facebook on or about April 22, 2021 in the course of your marketing of B4B Earth Tea.

Response No 59: **Admit. Deny Marketing, post was update**

Request No 60: Admit that the document attached as Exhibit 40 is a true and correct copy of a representation that you made or caused to be made on Facebook on or about August 6, 2021 in the course of your marketing of B4B Earth Tea.

Response No 60: Admit.

Request No 61: Admit that the document attached as Exhibit 41 is a true and correct copy of a representation that you made or caused to be made on Instagram on or about July 31, 2021 in the course of your marketing of B4B Earth Tea.

Response No 61: Object. Disagree with this exhibit been used as admission this was included in a warning and the warning was resolved. Defendant language changed after the warning letter.

Request No 62: Admit that the document attached as Exhibit 42 is a true and correct copy of a representation that you made or caused to be made on Instagram on or about August 30, 2021 in the course of your marketing of B4B Earth Tea.

Response No 62: Admit

Request No 63: Admit that the document attached as Exhibit 43 is a true and correct copy of a representation that you made or caused to be made on Instagram on or about September 3, 2021 in the course of your marketing of B4B Earth Tea.

Response No 63: Object. Disagree with this exhibit been used as admission this was included in a warning and the warning was resolved. Defendant language changed after the warning letter.

Request No 64: Admit that the document attached as Exhibit 44 is a true and correct copy of a representation that you made or caused to be made on Tik Tok on or about September 16, 2021 in the course of your marketing of B4B Earth Tea.

Response No 64: Admit

Request No 65: Admit that the document attached as Exhibit 45 is a true and correct copy of a representation that you made or caused to be made on YouTube on or about January 4, 2022 in the course of your marketing of B4B Earth Tea.

Response No 65: Admit. Deny Marketing. Sharing feedback submitted

Request No 66: Admit that the document attached as Exhibit 46 is a true and correct copy of a representation that you made or caused to be made on Facebook on or about October 13, 2021 in the course of your marketing of B4B Earth Tea.

Response No 66: Admit. Deny Marketing, sharing update.

Request No 67: Admit that the document attached as Exhibit 47 is a true and correct copy of a representation that you made or caused to be made on the website <https://b4bcorp.com> on or about September 16, 2021 in the course of your marketing of B4B Earth Tea.

Response No 67: Admit. Deny Marketing

Request No 68: Admit that the document attached as Exhibit 48 is a true and correct copy of a representation that you made or caused to be made on the website <https://b4bcorp.com> on or about September 16, 2021 in the course of your marketing of B4B Earth Tea.

Response No 68: Admit, Deny Marketing, sharing updates

Request No 69: Admit that the document attached as Exhibit 49 is a true and correct copy of a representation that you made or caused to be made on the website <https://b4bcorp.com> on or about September 18, 2021 in the course of your marketing of B4B Earth Tea.

Response No 69: Admit. Deny Marketing. Posted Clinical trial

Request No 70: Admit that the document attached as Exhibit 50 at Bates number USA- B4B00003316 is a true and correct copy of a representation that you made or

caused to be made on the website <https://b4bcorp.com> on or about September 16, 2021 in the course of your marketing of B4B Earth Tea.

Response No 70: Admit. Deny Marketing

Request No 71: Admit that the document attached as Exhibit 51 is a true and correct copy of a representation that you made or caused to be made on the website <https://b4bcorp.com> on or about September 16, 2021 in the course of your marketing of B4B Earth Tea.

Response No 71: Admit

Request No 72: Admit that the document attached as Exhibit 52 is a true and correct copy of a representation that you made or caused to be made on the website <https://b4bcorp.com> on or about October 17, 2022 in the course of your marketing of B4B Earth Tea.

Response No 72: Admit

Request No 73: Admit that the document attached as Exhibit 53 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about March 8, 2022 in the course of your marketing of B4B Earth Tea.

Response No 73: Admit. Deny Marketing responding to comments

Request No 74: Admit that the document attached as Exhibit 54 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about March 8, 2022 in the course of your marketing of B4B Earth Tea.

Response No 74: Deny. Illegible

Request No 75: Admit that the document attached as Exhibit 55 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about November 28, 2022 in the course of your marketing of B4B Earth Tea.

Response No 75: Admit Deny Marketing.

Request No 76: Admit that the document attached as Exhibit 56 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about October 26, 2021 in the course of your marketing of B4B Earth Tea.

Response No 76: Admit

Request No 77: Admit that the document attached as Exhibit 57 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about September 10, 2022 in the course of your marketing of B4B Earth Tea.

Response No 77: Admit

Request No 78: Admit that the document attached as Exhibit 58 is a true and correct copy of a representation that you made or caused to be made on Facebook on or about August 14, 2022 in the course of your marketing of B4B Earth Tea.

Response No 78: Admit

Request No 79: Admit that the document attached as Exhibit 59 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about January 31, 2022 in the course of your marketing of B4B Earth Tea.

Response No 79: Admit, Deny Marketing posted comment

Request No 80: Admit that the document attached as Exhibit 60 is a true and correct copy of a representation that you made or caused to be made on Facebook on or about August 17, 2021 in the course of your marketing of B4B Earth Tea.

Response No 80: Admit

Request No 81: Admit that the document attached as Exhibit 61 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about January 17, 2022 in the course of your marketing of B4B Earth Tea.

Response No 81: Admit, Deny Marketing. Personal comment

Request No 82: Admit that the document attached as Exhibit 62 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about January 21, 2022 in the course of your marketing of B4B Earth Tea.

Response No 82: Admit. Deny Marketing personal comment

Request No 83: Admit that the document attached as Exhibit 63 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about January 18, 2022 in the course of your marketing of B4B Earth Tea.

Response No 83: Admit. Deny Marketing. Personal comment

Request No 84: Admit that the document attached as Exhibit 64 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about January 17, 2022 in the course of your marketing of B4B Earth Tea.

Response No 84: Admit. Deny Marketing personal omment

Request No 85: Admit that the document attached as Exhibit 65 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about January 26, 2022 in the course of your marketing of B4B Earth Tea.

Response No 85: Admit. Deny Marketing personal comments

Request No 86: Admit that the document attached as Exhibit 66 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about December 23, 2021 in the course of your marketing of B4B Earth Tea.

Response No 86: Admit. Deny Marketing. Personal comment

Request No 87: Admit that the document attached as Exhibit 67 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about December 22, 2021 in the course of your marketing of B4B Earth Tea.

Response No 87: Admit. Deny Marketing. Personal comment.

Request No 88: Admit that the document attached as Exhibit 68 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about October 1, 2020 in the course of your marketing of B4B Earth Tea.

Response No 88: Object. Disagree with this exhibit been used as admission this was included in a warning and the warning was resolved. Defendant language changed after the warning letter.

Request No 89: Admit that the document attached as Exhibit 69 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about October 9, 2020 in the course of your marketing of B4B Earth Tea.

Response No 89: Object. Disagree with this exhibit been used as admission this was included in a warning and the warning was resolved. Defendant language changed after the warning letter.

Request No 90: Admit that the document attached as Exhibit 70 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about December 8, 2022 in the course of your marketing of B4B Earth Tea.

Response No 90: Admit. Deny Marketing. Personal comment

Request No 91: Admit that the document attached as Exhibit 71 is a true and correct copy of a representation that you made or caused to be made on Facebook on or about August 3, 2021 in the course of your marketing of B4B Earth Tea.

Response No 91: Admit. Deny Marketing. Post was an update

Request No 92: Admit that the document attached as Exhibit 72 is a true and correct copy of a representation that you made or caused to be made on Instagram on or about August 3, 2021 in the course of your marketing of B4B Earth Tea.

Response No 92: Admit

Request No 93: Admit that the document attached as Exhibit 73 is a true and correct copy of a representation that you made or caused to be made on the b4bearhteallc.com website on or about December 1, 2021 in the course of your marketing of B4B Earth Tea.

Response No 93: Admit Deny Marketing. Personal comment

Request No 94: Admit that the document attached as Exhibit 74 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about March 2, 2022 in the course of your marketing of B4B Earth Tea.

Response No 94: Admit

Request No 95: Admit that the document attached as Exhibit 75 is a true and correct copy of a representation that you made or caused to be made on Twitter on or about October 24, 2021 in the course of your marketing of B4B Earth Tea.

Response No 95: Admit

Request No 96: Admit that, were it not for this lawsuit, you would continue to market and sell B4B Earth Tea in the United States.

Response No 96: Admit, Rightfully so, with added disclaimer.

I declare under penalty of perjury that the foregoing is correct and true

Respectfully submitted

/s/ Andrew Sinclair
ANDREW SINCLAIR
Defendant

Date: November 17, 2023
Case No. 22-CV-1159